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Appl. No. 09/932,541
Amtd. dated July 22, 2005
Reply to Office action of April 12, 2005

REMARKS/ARGUMENTS

Applicants have received the Office Action dated April 12, 2005, in which the Examiner: 1) rejected claims 1-8, 13-20, 22, and 27-31 under 35 U.S.C. § 102(e) as allegedly anticipated by *Lacombe et al.* (U.S. Pat. Pub. No. 2002/0184482); 2) rejected claim 1 under 35 U.S.C. § 102(b) as allegedly anticipated by *Hauck et al.* (U.S. Pat. No. 6,026,454); 3) objected to the specification 4) objected to claim 21 as being dependent on a rejected base claim; and 5) indicated that claims 9-12 are in a condition for allowance.

Applicants appreciate the allowance of claims 9-12 and 21. With this Response, Applicants have amended claims 2, 4, 5, 21, and 27 and canceled claim 1. Thus, claims 2-31 remain pending and reconsideration is requested.

Claim 1 has been canceled to narrow the scope of material before the Examiner and expedite issuance of the pending claims.

I. OBJECTIONS TO THE SPECIFICATION

As best as Applicants can tell, the Examiner objected to the specification in order to remind Applicants of their duty to disclose under 37 C.F.R. § 1.56. More particularly, *Lacombe*, which is cited as an allegedly anticipatory reference under 35 U.S.C. § 102(e), includes inventors that are common to the instant application and therefore the Examiner appears to be alerting Applicants that art arising during the prosecution of *Lacombe* also may be material to the patentability of the instant application.

Upon review of the art cited by the Examiner in the instant application, as well as the art submitted to the Patent Office in *Lacombe*, Applicants respectfully submit that all of the art of record in *Lacombe* has been cited by the Examiner in the instant application. Therefore, Applicants respectfully submit that no further disclosures need to be made based on *Lacombe* at this time; however, Applicants will remain mindful as to the possibility that art arising during the prosecution of *Lacombe* also may be material to the patentability of the instant application.

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II. CLAIM 21

The Examiner objected to claim 21 as being dependent on a rejected base claim, but would otherwise be in a condition for allowance if rewritten in independent form. Accordingly, Applicants have rewritten claim 21 in independent form.

III. REJECTIONS UNDER § 102(e)

The Examiner rejected claims 2-8, 13-20, 22, and 27-31 as allegedly anticipated under 35 U.S.C. § 102(e) by *Lacombe*. The Applicants respectfully submit that these rejections are overcome by a declaration under 37 C.F.R. § 1.131, which is filed concurrently with this Office Action. Specifically, the 131 declaration establishes that Applicants conceived of the instant invention prior to the March 31, 2001 effective date of *Lacombe* and that Applicants continued working on the instant patent application until its filing on August 17, 2001. Accordingly, the pending claims are allowable over *Lacombe* for at least this reason.

IV. CONCLUSION

In the course of the foregoing discussions, Applicants may have at times referred to claim elements in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other elements can be ignored or dismissed. The claims must be viewed as a whole, and each element of the claims must be considered when determining the patentability of the claims.

Applicants respectfully request reconsideration and that a timely Notice of Allowance be issued in this case. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are

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hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,



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